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EXAMINER

DIVECHA, KAMAL B

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/002,799	Applicant(s) KING ET AL.	
	Examiner KAMAL B. DIVECHA	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 and 50-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40, 50-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in response to communications filed 10/24/08.

Claims 1-20 were previously cancelled.

Claims 21-40, 50-56 are pending in this application.

Claims 41-49 were cancelled in response filed 10/17/07.

Response to Arguments

Applicant's arguments with respect to claims above have **been considered but are moot** in view of the new ground(s) of rejection, as necessitated by the amendments, i.e. by the incorporation of "webpage hosted by a wireless service provider".

In the submission filed, applicant also argues in substance that:

- a. The prior art as combined does not teach or suggest "providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone" (remarks, pg. 13).

In response to argument [a], Examiner disagrees.

In the remarks, applicant asserts that "in fig. B and C of McDaniel, no picture files are displayed, but rather, only references to picture files...Throughout the prosecution and in all other elements of claim 21, both the examiner and the applicants have read the term "picture file" in the only logical way: a picture file is the actual picture and not simply reference to a picture..." remarks, pg. 14.

Initially, it appears that **applicant admits** McDaniel teaching and/or providing a separate selection option for each file of said plurality of files.

Secondly, both in the disclosure and in the prosecution history, **applicant has failed** to present a distinct definition of the term “picture file”. As such, applicant’s assertion that both the examiner and applicants have read the term “picture file” in **only logical way** is improper.

Third, the applicant should note that during patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As such, “the picture file” can be interpreted as a file that references to plurality of actual pictures, and its common sense in the art that the file is generally associated with a specific name and/or reference.

For example: “a music file” does not necessarily have to show the music contained in the music file, but can merely be represented by a reference and/or a name.

As such, Examiner maintains the interpretation of the term “picture file”.

Fourth, applicants own disclosure is evidenced to suggest interpreting a picture file by a reference and/or name, e.g. pg. 7 L32 to pg. 8 L18: displaying weather for the location of the content of the picture file, displaying a keyword related to the picture file, alone or in combination, pg. 10 L20-25, pg. 13 L16-18.

At last, applicant admits that McDaniel discloses providing a separate selection option for each file, and Santoro teaches simultaneously displaying a plurality of picture files on a display,

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e.g. remarks, pg. 14. Therefore, in any event, it would have been obvious to modify Santoro, if necessary, in order to incorporate the selection options of McDaniel with the plurality of picture files to enable the user to select picture files separately.

One or more replies presented in the previous office actions may still apply. As such, they are incorporated herein.

Examiner's Remarks

In responding to this office action, applicant should note the followings:

- During patent examination, the pending claims are given broadest reasonable interpretation in light of the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
- The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).
- It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, **in order to be relied upon as a basis for**

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rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

- Furthermore, the Supreme Court in **KSR International Co. v. Teleflex Inc.**, 550 U.S. ___, ___, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. **See MPEP 2143.**

EXEMPLARY RATIONALES

Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) “Obvious to try” – choosing from a finite number of identified, predictable

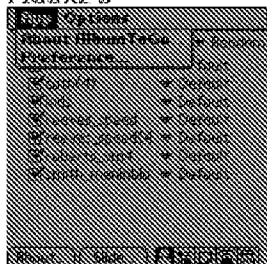
Exemplary modification

McDaniel discloses software for presenting the plurality of picture files, wherein each picture files is associated with a selection option, which when selected, enables the PDA user to present the plurality of selected picture files as a screen saver, e.g. see the reproduced section below.

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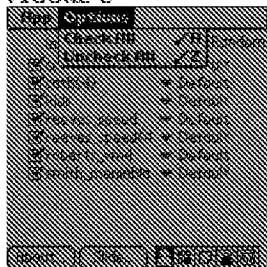
Menus

Select Preference from the App menu, shown in Figure B. You can choose to display an automatic slide show when you launch Album To Go, force four gray scale mode, or create a continuous loop of your slide show. Pictures can stay on the screen from one to 30 seconds, you select the length of time.

FIGURE B

Choose Preference from the App menu, and you'll be offered a host of choices.

The Options menu, shown in Figure C, lets you either check all the pictures for the slide show or uncheck them all. You can check or uncheck boxes individually to further tune a slide show. You can also separately set how long each picture will be displayed and even what effects will be used to change images. Effects include tiling, wiping, and so forth. The program would be even better with a "lite" version that simply switches pictures and saves the additional memory for other uses.

FIGURE C

Options lets you check or uncheck boxes to change your slide show.

Therefore, implementing the similar features in a cell phone device would be obvious to one of ordinary skilled in the art at least in view of exemplary rationale B, C and D.

Furthermore, **applicant fails** to see the separate selection options for each picture file, e.g. picture file KIDS is associated with separate selection option, picture file CATH (4) is associated with its own selection option, etc., and keeps reinforcing that McDaniel describes a selection option for one and only one picture file.

Applicant should also note that the office action refers to Santoro as teaching the simultaneous display of the picture files, Santoro: col. 8 lines 35-64, col. 10 lines 44-65. That is,

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Santoro clearly discloses the process of simultaneously displaying a plurality of picture files on a display of said cellular telephone, for example, see fig. 4.

Terminal Disclaimer

The terminal disclaimer filed on 10/15/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of USPN 7,072,683 ("the '683 patent") has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

The Double Patenting rejection presented in the previous office actions in view of USPN 7,072,683 is withdrawn in light of Terminal Disclaimer above.

The Double Patenting rejection presented in the previous office actions in view of application no. 10/307,096 and 10/307,175 is withdrawn in light of the abandonment of application 10/307,096 on April 17, 2006, and abandonment of application 10/307,175 on August 30, 2006 (remarks, pg. 11-12).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 21-22, 24-27, 29-40 and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al. (hereinafter Santoro, U. S. Patent No. 6,724,403 B1) in view of Heather McDaniel (hereinafter McDaniel, PalmPower Review, Album to Go software), in view of Brechner et al. (hereinafter Brechner, US 6,970,859 B1), and further in view of in view of Morgan Stanley (hereinafter, Stanley, Equity Research, Multi-Industry Overview, 1999).

As per claim 21, Santoro discloses a method of accessing a picture file received from a cellular telephone (col. 1 L10-15, col. 4 L33-55, col. 5 L13-22, col. 7 L17-25), said method comprising the steps of:

- receiving said picture file at said cellular telephone (col. 9 L34-42, col. 22 L1-20, col. 14 L54-56);

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- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

- enabling a first user to change information displayed with said received picture file by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);

- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 9 L24-33, L42-56); and

- enabling access by said first user, remote from said cellular telephone by way of a webpage provided by a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 22 L1 to col. 23 L18: desktop PC users accessing the updated version of plurality of tiles or picture files, col. 23 L. 60-67, fig. 4, col. 9 L1-56: picture file stored on world-wide web page, fig. 27 and col. 24 L3-12).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a second user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of

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picture files is displayed on a handheld device, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

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Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

However, Santoro, McDaniel and Brechner do not disclose a website hosted by a wireless service provider.

Stanley discloses providing the subscribers with the personal web page wherein the webpage or website is hosted by the internet service provider (pg. 217: AOL providing both the internet access and web portal for customers, pg. 219: Club Internet providing internet access and personal web page, pg. 221).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of Stanley in order to enable the wireless service provider to host the personal webpage and/or website.

One of ordinary skilled in the art would have been motivated because it would have enabled the service providers to offer services such as news, sports, music, travel and other features (Stanley: pg. 219).

As per claim 22, Santoro discloses the process wherein said step of receiving said picture file at said cellular telephone comprises receiving said picture file by way of a wireless link of a telecommunications network (col. 11 L15-32, fig. 27, col. 24 L3-13 and col. 15 L51-64).

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As per claim 24, Santoro discloses the process of storing said picture file on said cellular telephone (fig. 15 item #1506, fig. 17 item #1734 and col. 17 L30-39).

As per claim 25, Santoro discloses the process wherein the step of providing a selection option comprises providing a selection box associated with said picture file which can be selected by a user to indicate that a selection had been made (Santoro, col. 10 L14-22, col. 17 L20-25 and col. 14 L48-54; McDaniel, fig. B and fig. C).

As per claim 26, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- storing a plurality of picture files on said cellular telephone (fig. 16 item #1502, fig. 17 item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);
- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);
- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);
- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 15 L65 to col. 16 L8, col. 17 L20-25 and col. 14 L46-54);
- enabling a first user to designate said selection option while said picture file is displayed on said cellular telephone (col. 15 L65 to col. 16 L8, col. 17 L20-25 and col. 14 L46-54); and
- enabling access by said first user, remote from said cellular telephone by way of a webpage provided by a wireless service provider for said cellular telephone, to said plurality of

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picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67, fig. 27 and col. 24 L3-12).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a second user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone,

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enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

However, Santoro, McDaniel and Brechner do not disclose a website hosted by a wireless service provider.

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Stanley discloses providing the subscribers with the personal web page wherein the webpage or website is hosted by the internet service provider (pg. 217: AOL providing both the internet access and web portal for customers, pg. 219: Club Internet providing internet access and personal web page, pg. 221).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of Stanley in order to enable the wireless service provider to host the personal webpage and/or website.

One of ordinary skilled in the art would have been motivated because it would have enabled the service providers to offer services such as news, sports, music, travel and other features (Stanley: pg. 219).

As per claim 30, Santoro discloses the process of enabling a user to enlarge said picture file (col. 9 L1-11, col. 9 L42-55).

As per claim 31, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);
- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);
- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 17 L20-25 and col. 14 L46-54);

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- enabling a the first user to designate said selection option while said picture file is displayed on said cellular telephone (col. 17 L20-25, fig. 4 and col. 14 L46-54);

- enabling a user to enlarge said predetermined picture file (col. 9 L1-11, col. 9 L42-55);

and

- enabling access by said first user, remote from said cellular telephone by way of a webpage provided by a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67, fig. 27 and col. 24 L3-12).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a second user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising

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picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page for a user associated with a wireless service provider for cellular telephone.

Brechner explicitly discloses the process of enabling a user to separately select which picture files selection of said plurality of picture file are displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

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One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

However, Santoro, McDaniel and Brechner do not disclose a website hosted by a wireless service provider.

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Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of Stanley in order to enable the wireless service provider to host the personal webpage and/or website.

One of ordinary skilled in the art would have been motivated because it would have enabled the service providers to offer services such as news, sports, music, travel and other features (Stanley: pg. 219).

As per claim 32, Santoro discloses the process wherein the step of displaying a picture file on a cellular telephone comprises a thumbnail of said picture file (col. 8 L57-67, fig. 4 and col. 9 L1-24).

As per claim 33, Santoro discloses the process wherein said step of enlarging said picture file comprises a step of displaying said picture file as a window on a display of said cellular telephone (col. 8 L1-15).

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As per claim 35, Santoro discloses a method of presenting said picture file having a designated option according to a user selectable function (col. 9 L1-56 and col. 17 L20-25).

As per claim 36, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- storing a plurality of picture files on said cellular telephone (fig. 16 item #1502, fig. 17 item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);
- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);
- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);
- providing a plurality of selection options, each said selection option being associated with a picture of said plurality of picture files (col. 17 L20-25 and col. 14 L46-54);
- enabling a first user to designate each said selection option associated with plurality of picture files (col. 17 L20-25, fig. 4 and col. 14 L46-54);
- enabling access by said first user, remote from said cellular telephone by way of a webpage provided by a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of

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picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

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Brechner explicitly discloses the process of enabling a user to separately select which picture files selection of said plurality of picture file are displayed on a web page by way of a web page for a user (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

However, Santoro, McDaniel and Brechner do not disclose a website hosted by a wireless service provider.

Stanley discloses providing the subscribers with the personal web page wherein the webpage or website is hosted by the internet service provider (pg. 217: AOL providing both the internet access and web portal for customers, pg. 219: Club Internet providing internet access and personal web page, pg. 221).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of Stanley in order to enable the wireless service provider to host the personal webpage and/or website.

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One of ordinary skilled in the art would have been motivated because it would have enabled the service providers to offer services such as news, sports, music, travel and other features (Stanley: pg. 219).

As per claim 50, Santoro, McDaniel and Brechner disclose the process wherein the first user and the second user are the same person (Santoro: col. 22 L1 to col. 23 L18; Brechner: col. 1 L29-32, col. 4 L7-67, col. 7 L15-26: the same user can access the web page from multiple locations).

As per claims 27, 29, 34, 37-40 and 51-53, they do not teach or further define over the limitations in claims 21-22, 24-26, 30-33, 35-36 and 50. Therefore, claims 27, 29, 34, 37-40 and 51-53 are rejected for the same reasons as set forth in claims 21-22, 24-26, 30-33, 35-36 and 50.

2. Claims 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al., (hereinafter Santoro, U. S. Patent No. 6,724,403 B1) in view of Heather McDaniel (hereinafter McDaniel, PalmPower Review, Album to Go software), in view of Brechner et al. (hereinafter Brechner, US 6,970,859 B1), in view of Morgan Stanley (hereinafter, Stanley, Equity Research, Multi-Industry Overview, 1999), and further in view of Rudy et al. (U. S. Patent No. 6,360,252 B1).

As per claim 23, Santoro, McDaniel, Brechner and Stanley do not explicitly disclose the process of receiving said picture file at said cellular telephone as an attachment to an email.

Rudy, from the same field of endeavor, explicitly discloses the method wherein client machine (read as mobile telephone, col. 3 L39-42) receives the client version of email with descriptor of attachment (attachments contain images, text, video, multimedia documents, etc,

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col. 1 L25-28: read as receiving image file as attachment to an email, fig. 1 item #20 and #12 and col. 7 L49-53; col. 1 L64-67 to col. 2 L1-10).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Rudy as stated above with Santoro, McDaniel, Brechner and Stanley in order to receive the picture file as an attachment to an email.

One of ordinary skilled in the art would have been motivated because the technique would have used where there is a low bandwidth connection between the server and a users mobile device, where there is a high latency connection or where there is a unreliable or intermittent connection. In addition, the technique would have been advantageous because it would have been used where the client machine or a mobile telephone is not adequate to render most attachments due to storage limitations or due to inadequate output capabilities, such as small display or display with inadequate resolution (Rudy, col. 4 L49-61).

As per claim 28, it does not teach or further define over the limitations in claim 23. Therefore, claim 28 is rejected for the same reasons as set forth in claim 23.

3. Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al. (hereinafter Santoro, U. S. Patent No. 6,724,403 B1) in view of Morgan Stanley (hereinafter, Stanley, Equity Research, Multi-Industry Overview, 1999).

As per claim 54, Santoro discloses a method of viewing a picture file, the method comprising:

storing a plurality of picture files on a cellular telephone (fig. 16 item #1502, fig. 17 item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);

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simultaneously displaying the plurality of picture files on a display of the cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

enabling a user to edit information associated with at least one of the plurality of picture files (col. 9 L54 to col. 10 L22, col. 17 L20-24, col. 22 L50-67: adjusting properties or content of tiles);

enabling access to the plurality of picture files via a website provided by a wireless service provider, wherein the wireless service provider provides services for the cellular phone (col. 9 L1-56, col. 9 L57 to col. 10 L39, col. 15 L25-34, col. 22 L1 to col. 23 L18: server enables the access to plurality of tiles via the web browser, fig. 27 and col. 24 L3-12);

enabling the user to edit information associated with at least one of the plurality of picture files via the website (col. 13 L20 to col. 14 L25, col. 15 L25 to col. 16 L9, col. 17 L20-25: user changing the content of tiles via the web browser); and

displaying at least one of the plurality of picture files on the cellular phone with the information edited in step (e) (col. 22 L1-67, col. 15 L51-65: creating, saving and restoring tiles).

However, Santoro does not disclose a website hosted by a wireless service provider.

Stanley discloses providing the subscribers with the personal web page wherein the webpage or website is hosted by the internet service provider (pg. 217: AOL providing both the internet access and web portal for customers, pg. 219: Club Internet providing internet access and personal web page, pg. 221).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of Stanley in order to enable the wireless service provider to host the personal webpage and/or website.

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One of ordinary skilled in the art would have been motivated because it would have enabled the service providers to offer services such as news, sports, music, travel and other features (Stanley: pg. 219).

As per claim 55, Santoro discloses the process further comprising receiving at least one of the plurality of files by way of a wireless link of a telecommunications network (col. 23 L30 to col. 24 L14).

As per claim 56, Santoro discloses the process further comprising enabling the enlargement of a picture file displayed during said step of displaying (col. 9 L1-56).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lunsford et al., US 6,982,962 B1: System and Method for selecting a network access provider using a portable information device.
- b. Qualcomm's pdq 1900 Smartphone, Computing Unplugged Magazine.
- c. Hands on Review of Pdq Palm/Cellphone.
- d. Yoshioka, U. S. Patent No. 6,839,068 B2.
- e. Nagahara et al., U. S. Patent No. 6,687,382 B2.
- f. Cover et al., US 6,961,905 B1: Method and System for Modifying an Image on a Web page: Editing Program.

Conclusion

The teachings of the prior art should not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support, for ascertaining the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is (571)272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/John Follansbee/
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